



Comptroller General
of the United States

REDACTED VERSION

Washington, D.C. 20548

Decision

Matter of: Coe-Truman Technologies, Inc.

File: B-257480

Date: September 12, 1994

James F. Nagle, Esq., and John Lukjanowicz, Esq., Oles Morrison & Rinker, for the protester.
Lester Edelman, Esq., and Geoffrey A. Mueller, Esq., Department of the Army, for the agency.
Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

General Accounting Office will not disturb an agency's decision to exclude protester's proposal from the competitive range on the ground that it had no reasonable chance of being selected for award where the agency reasonably evaluated six other offerors as relatively superior technically, and where the protester generally did not demonstrate or provide detailed information necessary to demonstrate the allegedly superior technical merits of its proposal.

DECISION

Coe-Truman Technologies, Inc. protests its exclusion from the competitive range under request for proposals (RFP) No. DACA67-94-R-0026, issued by the Army Corps of Engineers, Seattle District, for miscellaneous environmental and engineering services for the Directorate of Engineering and Housing, Fort Lewis, Washington. Coe-Truman contends that the Army's determination to exclude its proposal from the competitive range was arbitrary, capricious, and an abuse of discretion.

We deny the protest.

The RFP was issued on February 25, 1994, and required the successful contractor to provide technical services, pursuant to specific delivery orders, for environmental and

The decision issued September 12, 1994, contained proprietary information and was subject to a General Accounting Office protective order. This version of the decision has been redacted. Deletions in text are indicated by "[DELETED]."

engineering work; including surveys, data collection and analysis, reports, management plans, maps, document reviews, training, and computer data management. These services concern, among other things, hazardous materials; solid waste; asbestos; air quality; water quality; plant and animal studies; and environmental assessments.

The RFP contemplated a fixed-priced requirements contract and generally requested prices on an hourly basis for various labor categories, such as botanist; wildlife engineer; and air quality specialist. The schedule contained estimated total hours for each labor category being solicited. The RFP stated that the government would award the contract to the offeror submitting the proposal determined to be the most advantageous to the government, price and other factors considered. The agency reserved the right to award the contract to other than the low offeror and stated that it intended to make only one award for all items in the schedule. The RFP also stated that proposals would be evaluated on the basis of two criteria--technical and price--and that price was considered secondary to the technical evaluation factors listed elsewhere in the solicitation, but would be reviewed for completeness; reasonableness; and realism.

The technical evaluation factors and their respective assigned points were set forth in the solicitation as follows (the maximum number of points available under the technical evaluation methodology was 1,000 points):

1. Technical Capability; Expertise; and Knowledge of applicable Federal, State, and Local Regulations in the following subject areas:

A. Hazardous Material and Waste	50 points
B. Solid Waste	50 points
C. Asbestos, Lead, and Radon	50 points
D. Air Quality	50 points
E. Water Quality	50 points
F. General Planning Studies	50 points
G. Plant and Animal Studies	25 points
H. Environmental Assessments	25 points
I. Cultural Resources	25 points
J. Mapping	25 points

2. Professional Qualifications of Senior Key Personnel in the above areas. 300 points

3. Excellence in Effective Presentation, Organization, and Documentation of a Sample Study. 180 points

4. Various Equipment and Facilities. 120 points

[DELETED] proposals were received by the March 29, 1994, closing date and were scored by the technical evaluation

team (TET) which was supplied with the RFP documents, a technical evaluation manual, and voting sheets, in addition to the proposals. The following were the results of the evaluation:

<u>Firm</u>	<u>Total Technical Points</u>	<u>Price</u>
[DELETED]	[DELETED]	[DELETED]

[There were [DELETED] other lower-ranked offerors with technical scores ranging from [DELETED] to [DELETED], and with prices ranging from [DELETED] to [DELETED].]

Based on the technical evaluation results and considering also the prices offered by each firm, the contracting officer determined that the competitive range would consist of the top [DELETED] firms. Letters requesting best and final offers were sent to the latter firms, while the excluded firms were generally notified of their failure to be selected. Upon receipt of its notice of nonselection, Coe-Truman filed this protest.

In its initial protest, Coe-Truman argued that it had "scrupulously adhered" to the requirements of the solicitation to facilitate review of its proposal and to demonstrate its mastery of the criteria, that it had assembled a team which was exceptionally well suited for the work called for in the RFP, and that its experience and capabilities were clearly stated in its proposal, and that it had graphically demonstrated its "complete mastery" of the subject matter. Coe-Truman found it "inconceivable" that its proposal could have been considered by the agency as not having a reasonable chance for award.

Initially, we point out that the competitive range is determined by comparing all of the acceptable proposals in a particular procurement, and an acceptable proposal may be eliminated by comparing the relative ranking and merit of the higher-rated proposals to the proposal in question. See Cosmos Eng'rs, Inc., B-218318, May 1, 1985, 85-1 CPD ¶ 491. Consequently, a proposal need not be included in the competitive range simply because it is a "good" technically acceptable proposal when it is determined, on a relative basis with respect to higher technically rated proposals, that it has no reasonable chance for award. See id.; The Liberty Consortium, B-215042, Apr. 12, 1985, 85-1 CPD ¶ 416.

The record shows that Coe-Truman submitted a proposal which demonstrated good technical capability and expertise. The firm is performing technical support services in a project involving explosive ordnance disposal, solid waste management, and disposal of toxic materials; the firm demonstrated good experience in hazardous material and waste, although with limited pollution prevention experience; the firm has good asbestos experience and

adequate air quality experience. However, the agency found that the firm demonstrated less than adequate qualifications in the areas of general planning studies; plant and animal studies, environmental assessments; and cultural resources. While the firm demonstrated "very good" professional qualifications of senior key personnel in most areas, the agency found that it did not demonstrate adequate experience with complex projects in pollution prevention; waste minimization; and plant studies. Coe-Truman's price was considered complete, reasonable, and realistic to perform the work. However, as discussed below, the agency determined that, on a relative basis as compared with the technically superior proposals, Coe-Truman's proposal should not be included in the competitive range.

In its comments, the protester generally attempts to show that its proposal was marginally equivalent (and should have been so considered), in terms of technical points, to the lowest ranking offeror included in the competitive range (Offeror [DELETED], with a score of [DELETED] points). For example, the protester argues that there were arithmetical errors in some of the individual evaluator's scoring; that there was improper "averaging" of individual evaluator's scores contrary to the evaluation manual; and that there was improper double counting for the firm's lack of pollution prevention experience. The protester also stresses that the evaluation record significantly lacked adequate documentation supporting the scoring and technical findings of the evaluators, and that the evaluators placed undue emphasis on experience on projects in Eastern Washington, which allegedly constituted an undisclosed criterion. Finally, the protester argues that the evaluators improperly relied on their own personal knowledge of the firm to downgrade the firm in the radon experience area.

While we agree with the protester that the narrative comments of the evaluators that accompanied the scoring were skimpy, we think the agency has provided ample explanation and justification for its decision in the agency report and its statements in response to Coe-Truman's protest. In this regard, while we accord greater weight to contemporaneous evaluation and source selection documents rather than documents which were prepared in response to protest allegations, we do consider the entire record in deciding whether an agency's evaluation is supportable, including statements and arguments made by the agency in response to the protest. See Motorola, Inc., B-254489; B-254489.2, Dec. 15, 1994, 94-2 CPD ¶ 322. Further, agencies generally may properly consider in evaluating proposals their own past knowledge and experience with an offeror and do not absolutely have to limit their evaluation to the four corners of the proposal. See George A. and Peter A. Palivos, B-245878.2; B-245878.3, Mar. 16, 1992, 92-1 CPD ¶ 286.

While the protester has attempted to show that it deserved additional technical points in certain limited areas, the protester has not rebutted the agency's major findings as presented in the agency report that significant technical differences generally existed between the proposals of the firms selected for inclusion in the competitive range and the proposal of the protester. Specifically, as examples, the agency compares Coe-Truman's proposal with the proposals of (DELETED) firms included in the competitive range, including (DELETED) lower-priced proposals, in the areas of technical capability and excellence in effective presentation--two criteria under which the protester was rated significantly lower in technical merit.¹ Overall, the record shows that the (DELETED) competitive range offerors generally presented complete details to document exceptional project experience in the subcriterion areas, including the listing of numerous projects in pollution prevention and waste minimization; risk analysis; sampling; solid waste; air quality; and mapping. The sample studies for the criterion excellence in effective presentation were also generally well organized and presented.

In contrast, the record shows Coe-Truman's proposal did not demonstrate nearly as extensive experience or technical excellence in these areas. For example, in waste minimization plans, the protester showed one project; in pollution prevention, the protester showed related experience but no work in preparing an actual plan; in solid waste, the protester, as part of its management plan, developed a computer model, but no details of the work were provided. Our review of the evaluation record shows that the protester did not have the broad experience that the (DELETED) competitive range offerors demonstrated and often did not provide details to show what work it had performed. We therefore agree with the agency that the protester "failed to demonstrate an adequate amount of experience with details to show the firm's involvement and responsibilities under the various projects."

Since the protester's submissions have not rebutted the major findings of the agency with respect to its proposal, and since our review of the evaluation record supports the agency's position that the protester's proposal was not generally equivalent to the superior technical merit demonstrated by the competitive range offerors (in the detail provided, or in the scope and breadth of previous

¹The protester has not challenged or disputed that the (DELETED) examples cited by the agency are representative of the competitive range offerors as a whole.

experience), we uphold the evaluation results and the agency's decision not to include the protester's proposal in the competitive range.

The protest is denied.

Robert P. Murphy
Acting General Counsel